

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re REFCO, INC. SECURITIES LITIGATION

GEORGE L. MILLER, Chapter 7 Trustee for the
Estate of Suffolk LLC,

Plaintiff,

-against-

PF SALECO LLC, ET AL,

Defendants.

07 MDL No. 1902 (JSR)

09-cv-2866 (JSR)

09-cv-2931 (JSR)

ORDER

On September 22, 2010, counsel for defendant Robert Suan (“Mr. Suan” or “Defendant”) requested permission for Mr. Suan to move for dismissal of the Amended Complaint filed by George L. Miller, Chapter 7 Trustee for the Estate of Suffolk, LLC (“Plaintiff”) against Mr. Suan (the “Amended Complaint” or “Am. Compl.”).

ORDERED, that Defendant be made a party to the Court’s January 21, 2010 Order, such that the Court’s January 12, 2010 Order adopting Special Master Capra’s Report and Recommendation, dated November 13, 2009, shall apply to Mr. Suan.

ORDERED, that Defendant be made a party to the Stipulation and Order, entered by Special Master Capra on April 15, 2010, that preserves Defendant’s right to seek dismissal of the Trustee’s claims on alternative or procedural grounds.

ORDERED, that Defendant may file, within one week of the entry of this Order, a Motion to Dismiss joining in the Motion to Dismiss the Amended Complaint of Credit Suisse First Boston Next Fund, Lab Morgan Corporation and ML IBK Positions, Inc. (collectively, the

“Bank Defendants”), as well as the Memorandum of Law in Support of the Bank Defendants’ Motion to Dismiss the Amended Complaint, the Declaration of Ross E. Firsenabaum in Support of the Bank Defendants’ Motion to Dismiss the Amended Complaint, the Reply Memorandum of Law in Support of the Bank Defendants’ Motion to Dismiss the Amended Complaint, the Supplemental Declaration of Ross E. Firsenabaum in Support of the Bank Defendants’ Motion to Dismiss the Amended Complaint, and the Declaration of Joel Millar in Support of the Bank Defendants’ Motion to Dismiss the Amended Complaint, and the other supporting papers filed by the Bank Defendants.

ORDERED, that Plaintiff’s Opposition to the Bank Defendants’ Motion to Dismiss the Amended Complaint applies equally to Defendant, such that no additional opposition papers are necessary.

ORDERED, that the Report & Recommendation by Special Master Capra, dated August 26, 2010, applies to Defendant.

ORDERED, that Defendant may file, within one week of the entry of this Order, a Joinder to the limited objection of the Bank Defendants, dated September 7, 2010, to the Report and Recommendation of Special Master Capra on the Bank Defendants’ Motion to Dismiss the Amended Complaint.

SO ORDERED

This the 22nd day of September, 2010



Special Master Daniel Capra